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APR 04 2005

OFFICE OF PETITIONS

In re Application of : DECISION REFUSING TO
Dodrill et al. : ACCORD STATUS
Application No. 09/679,109 : UNDER 37 CFR 1.47
Filed: October 4, 2000 :
Attorney Docket No. CIS00-2413 :

This is a decision on the petition under 37 CFR 1.47, filed December 17, 2004.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

Petitioner requests the acceptance of an affidavit under 37 CFR 1.131 although it is not signed by one of the three inventors.

A petition under 37 CFR 1.47 is appropriate when the signature of an inventor cannot be obtained on the original oath or declaration for the application. Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply.

The following parties may make an affidavit or declaration under 37 CFR 1.131:

- (A) All the inventors of the subject matter claimed.
- (B) Less than all named inventors where it is shown that less than all named inventors invented the subject matter of the claim or claims under rejection.
- (C) If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.
- (D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor.

If none of the 4 options above are sufficient, a petition under 37 CFR 1.183 may be filed requesting a waiver of the rules.

As to (A), the petition indicates this option is unavailable.

As to (C), since a Rule 47 petition has not been granted in the instant application, this option is unavailable to applicant.

As to (B), petitioner my wish to determine if the subject matter of the claim(s) under rejection was invented solely by the two inventors willing to sign the application.

As to (D), a review of assignment records indicates the inventors assigned the application to Cisco Technology, Inc. The assignee may sign the affidavit on behalf of an inventor when it is not possible to produce the affidavit or declaration of the inventor.

If the 4 options listed are insufficient, a petition under 37 CFR 1.183 may be filed and should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

If a request for reconsideration is filed, or a petition under 37 CFR 1.183, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries concerning the instant decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Petitions Attorney
Office of Petitions